

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Antonio Maurice Scott, As Personal)	
Representative of the Estate of)	
George Bynum,)	Civil Action No.: 0:18-cv-1102-RMG-PJG
)	
Plaintiff,)	
)	
v.)	
)	
Siva Chockalingam, MD, in his)	
Individual Capacity as Agent,)	MOTION FOR SUMMARY JUDGMENT
Servant and/or Employee of the)	ON BEHALF OF DEFENDANTS,
South Carolina Department of)	SOUTH CAROLINA DEPARTMENT
Corrections; Associates in)	OF CORRECTIONS AND
Gastroenterology, PA; Berkeley)	ROBERT SHARP, MD
Endoscopy Center, LLC, Robert)	
Sharp, MD, in his Individual Capacity)	
as Agent, Servant and/or Employee)	
of The South Carolina Department)	
of Corrections; and South Carolina)	
Department of Corrections,)	
)	
Defendants.)	
_____)	

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for Defendants, South Carolina Department of Corrections (SCDC) and Robert Sharp, MD (Dr. Sharp), hereby moves before the Presiding Judge of the Federal District Court of South Carolina for Summary Judgment pursuant to Rule 56, FRCP, on the following grounds:

1. Defendant SCDC is not a “person” within the meaning of the term as used in 42 U.S.C. §1983.

2. Plaintiff's 42 U.S.C. §1983 claims against Defendant Dr. Sharp in his individual capacity are barred, because Plaintiff cannot show that Defendant Dr. Sharp deprived George Bynum of any rights or privileges under the Constitution or Federal Law or that Defendant Dr. Sharp was deliberately indifferent to George Bynum's health or safety.

3. Plaintiff's State claims for medical malpractice and gross negligence and for violations of standards of medical practice against Defendant SCDC, and its employees, including Defendant Dr. Sharp, should be dismissed, because Plaintiff failed to produce expert testimony to show that Defendant SCDC, and its employees, including Defendant Dr. Robert Sharp, were negligent and grossly negligent and violated standards of medical practice in their care and treatment of George Bynum that are a proximate cause of George Bynum's injuries and death.

4. Even assuming the conduct of Defendant Dr. Sharp is deemed unconstitutional, he is entitled to qualified immunity from all liability.

The Motion will be based upon the applicable statutory law and case law, upon the pleadings of record, and upon Defendants' Memorandum in Support of Motion for Summary Judgment.

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s/James E. Parham, Jr.
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January 11, 2019